

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **MASSAGE THERAPY**

3 In the Matter of:

BOARD CASE NOS. 19-173

4 **JUVALL CALMESE**

5 Holder of License No. **MT-20214**

DECISION AND ORDER

6 For the Practice as a Massage Therapist
7 In the State of Arizona

8 **RESPONDENT**

9 On October 28, 2019, during a regularly scheduled board meeting, the Arizona State
10 Board of Massage Therapy (Board) held an Administrative Hearing to hear evidence, testimony
11 and arguments regarding this case. Assistant Attorney General Michael Raine represented the
12 State. Juvall Calmese (Respondent) was present and represented himself. Assistant Attorney
13 General, Marc Harris, of the Licensing and Enforcement Section of the Attorney General's
14 Office, appeared, in person, to provide independent legal advice to the Board. After hearing all
15 of the evidence and arguments presented by the parties, the Board issues the following Findings
16 of Fact, Conclusions of Law and Order (Order):

17 **PARTIES AND JURISDICTION**

18 1. The Board is the duly constituted authority for licensing and regulating the
19 practice of massage therapy in the State of Arizona.

20 2. Respondent is the holder of license number MT-20214, which allows Respondent
21 to practice as a massage therapist in the State of Arizona.

22 3. Under A.R.S. § 32-4201, et seq., the Board possess jurisdiction over the subject
23 matter and over Respondent as a licensee of the Board.

24 **FINDING OF FACT**

25 1. On May 22, 2019, Respondent provided massage therapy services to client NA at
26 Envision Health Spa in Tucson, Arizona.

27 2. During the massage, Respondent provided NA with a breast massage without
advance oral or written consent.

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1 It is further Ordered that within 12 within of the effective date of this Order, Respondent
2 shall pay a Civil Penalty in the amount of \$250.00 to the Board. Payment of the civil penalty
3 shall be made by certified check or money order payable to the Board.

4 **GENERAL PROVISIONS**

5 1. Respondent shall pay all necessary fees and complete all continuing education
6 requirements throughout the term of his probation to maintain his massage therapy license.
7 Throughout the term of Respondent's probation, Respondent shall personally appear before the
8 Board when requested to do so by the Board or Board staff.

9 2. Respondent shall obey all federal and state laws and rules governing the practice
10 of Massage Therapists.

11 3. Respondent shall pay all costs associated with complying with this Order.

12 4. If Respondent violates this Order in any way or fails to fulfill the requirements of
13 this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may
14 revoke, suspend or take other disciplinary actions against Respondent's license. The issue at
15 such a hearing will be limited solely to whether this Order has been violated.

16 5. Prior to his release from probation, and not before 12 months from the effective
17 date of this Order, Respondent must submit a written request to the Board for release from the
18 terms of this Order. Respondent shall appear before the Board and provide evidence that he has
19 successfully satisfied all terms and conditions in this Order. The Board has the sole discretion to
20 determine whether all terms and conditions of this Order have been met and whether Respondent
21 has adequately demonstrated that he has addressed the issues contained in this Order. In the
22 event that the Board determines that any or all terms and conditions of this Order have not been
23 met, the Board may conduct such further proceedings as it determines are appropriate to address
24 those matters.

25 6. The effective date of this Order is the date that is signed by Board's Executive
26 Director.

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DATED this 4th day of November, 2019

By: Thomas Augheyton
Thomas Augheyton
Executive Director

Arizona State Board of Massage Therapy
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